

REMARKS

In the outstanding official action, claims 1-6 were rejected under 35 USC 102(b) as being anticipated by MacDonald et al, for the reasons of record. In response, it is respectfully submitted that independent claims 1 and 3, and the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied reference for the reasons detailed below. Additionally, it is noted that claim 1 has been amended in order to correct an inadvertent typographical error.

More particularly, it is suggested in the Action that MacDonald discloses a method and apparatus for determining the focus of an optical system in which, *inter alia*, two objects (111,112 or 113) are arranged at different sides of the expected best focus of the optical system and at different locations with respect to the access of the apparatus. As clearly recognized in the Action, independent claims 1 and 3 of the instant application both require two test objects which are displaced from each other in two orthogonal directions. Using apparatus claim 3 for illustration, the two objects are arranged both at different sides of the expected best focus of the optical system (i.e. they are horizontally displaced) as shown in Fig. 3 and at different

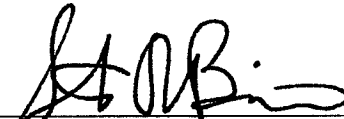
locations with respect to the axis of the apparatus (i.e. the objects are also displaced in the vertical direction as shown in Fig. 3). Method claim 1 employs similar language, which also requires the test objects to be arranged with a displacement in each of two orthogonal dimensions.

In MacDonald, on the contrary, the cited test objects (111, 112 or 113) are clearly displaced in only one direction, but are clearly collinear and not displaced in the second dimension, as clearly illustrated in Fig. 5. Furthermore, as clearly described in the cited portion of the specification (col. 9, lines 4-32) the features or objects 110 are divided into three groups, namely groups 111, 112 and 113 as cited in the Action, thus forming a target pattern 101 which is "substantially symmetric about its center axis". Clearly this teaching is directly contrary to the instant invention as shown, described and claimed, wherein the displacement of the two objects in two different orthogonal directions creates a pattern which is clearly not symmetric about its center axis.

Thus, it is respectfully submitted that the instant invention, as presently claimed, is clearly patentably distinguishable over the cited and applied reference. Accordingly, it is respectfully

submitted that allowance of the instant application is justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

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